

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

Pamela Siino, Individually and on  
behalf of the Class,

Plaintiff–Appellee,

v.

Foresters Life Insurance and Annuity  
Company, a New York Company,

Defendant–Appellant.

No. 23-16176

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Pamela Siino, Individually and on  
behalf of the Class,

Plaintiff–Appellee,

v.

Foresters Life Insurance and Annuity  
Company, a New York Company,

Defendant–Appellant.

No. 23-16189

**PLAINTIFF-APPELLEE’S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE THE PETITION FOR REHEARING**

Plaintiff-Appellee (“Appellee”) respectfully submits this unopposed motion, through undersigned counsel, pursuant to Federal Rule of Appellate Procedure 26(b) and 9th Circuit Rule 31–2.2(b). Specifically, Appellee moves this Court for a 30-day extension of time to file the petition for rehearing from April 15, 2025, to May 15, 2025, for the reasons set forth in the attached declaration of counsel.

Respectfully submitted,

Dated: April 9, 2025

SINGLETON SCHREIBER, LLP

*s/ Benjamin I. Siminou*

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Benjamin I. Siminou, Esq.

Jonna D. Lothyan, Esq.

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**DECLARATION OF COUNSEL IN SUPPORT OF PLAINTIFF-APPELLEE’S UNOPPOSED  
MOTION FOR EXTENSION OF TIME TO FILE THE PETITION FOR REHEARING**

I, Benjamin I. Siminou, declare:

1. I am an attorney licensed to practice law in California and in the United States Court of Appeals for the Ninth Circuit. I represent the Plaintiff-Appellee Pamela Siino (“Appellee”) in this appeal.

2. The petition for rehearing is currently due April 15, 2025.

3. On behalf of the Appellee, I am requesting a 30-day extension of time, from April 15, 2025, to May 15, 2025, to file the petition for rehearing.

4. I, and a small group of other attorneys, are responsible for handling all the motions, writs, and appeals for our firm. April and May have been and is particularly busy with the following:

a. A motion for remand in *Higgins v. Novartis* (25-cv-000247) filed in the district court of Delaware on April 4, 2025;

b. Oppositions to a motion to dismiss and motion to strike in *Vaserfirer v. Uber* (21STCV37594) filed in Los Angeles County Superior Court on April 4, 2025;

c. an opposition to a motion to dismiss in *Doe v. Wyndham Hotel & Resorts, Inc., et al.* (25-cv-00026) filed in the district court of California on April 4, 2025;

d. a petition for rehearing in *Moriarty v. American General Life Insurance* (23-3650) filed in Ninth Circuit Court of Appeals on April 8, 2025;

e. an opposition to motion to assign comeback case in *Parker v. County of Riverside* (24-5602) due in Ninth Circuit Court of Appeals on April 14, 2025;

f. a reply brief in *Roldan v. Bank of America* (24-5137) due in Ninth Circuit Court of Appeals on April 14, 2025;

g. an opposition to motion for new trial in *Muhlbach v. Navarro* (37-2023-00003160) due in San Diego County Superior Court on April 15, 2025;

h. a combined respondent's brief and opening brief in *Maggio, et al. v. First Solar Electric (California) Inc., et al.* (H051576, H051638, H051802, H051844, H051845) due in California Court of Appeal on April 15, 2025;

i. an opposition to motion to dismiss in *Tindle v. Novartis Pharmaceuticals Corp.* (25cv1290) due in the district court of California on April 18, 2025;

j. an opening brief in *Tharp, et al. v. Monsanto Co., et al.* (D084928) due in California Court of Appeal on April 23, 2025;

k. an opening brief in *Envirodigim v. Apple* (H052479, H052719, H052829) due in California Court of Appeal on April 25, 2025;

l. an opposition to motion for new trial in *Muhlbach v. Navarro, et al.* (37-2023-00003160) due in San Diego County Superior Court on April 25, 2025;

m. an opposition to motion to dismiss in *Doe v. G6 Hospitality Property, LLC, et al.* (25cv347) due in the district court of Washington on April 28, 2025;

n. a motion for remand in *Paddock, et al. v. Novartis Pharmaceuticals Corp.* (25cv407) due in the district court of Delaware on May 1, 2025;

o. an opening brief in *McHugh v. Protective Life Insurance, et al.* (D084854) due in California Court of Appeal on May 1, 2025;

p. an opposition to motion for summary judgment in *Teisher v. Andrade, et al.* (23cv04374) due in Santa Barbara County Superior Court on May 2, 2025;

q. a reply brief in *Soulliere v. Suzuki Motor Corp.* (G063118) due in California Court of Appeal on May 2, 2025;

r. an opposition to motion for summary judgment in *Locke, et al. v. Sternberg, et al.* (23cv0203172) due in Shasta County Superior Court on May 7, 2025;

s. a reply in support of motion to compel in *Juarez v. Road Eagle Logistics Corp., et al.* (37-2022-00002698) due in San Diego County Superior Court on May 9, 2025;

t. an opposition to motion for summary judgment in *James v. American Freight Line, Inc., et al.* (37-2023-00036966) due in San Diego County Superior Court on May 9, 2025;

u. a reply brief in *Wright v. Union Oil Co. of California* (B333725) due in California Court of Appeal on May 15, 2025; and

v. an opening brief in *Park v. AXA Equitable Life Ins. Co.* (23-55130) due in California Court of Appeal on May 15, 2025.

5. For these reasons, I require an additional 30 days to file a quality petition in this case.

6. My colleague, Jonna Lothyan, contacted Jarrett Ganer, counsel for Foresters Life Insurance and Annuity Company (the Defendant-Appellant in this case), about this motion. Mr. Ganer indicated the Defendant-Appellant has no opposition to a 30-day extension to file the petition for rehearing in this case.

7. I will exercise diligence to meet a May 15, 2025 deadline.

I declare under the penalty of perjury that the foregoing is true and correct.  
Executed on April 9, 2025, in San Diego, California.

s/ Benjamin I. Siminou  
Benjamin I. Siminou  
Declarant